

(3)

## COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Attorney Docket **CE04708N**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Time-out Threshold Shaping for Wireless TCP Communications**, the specification of which is attached hereto unless the following box is checked:

was filed on September 15, 2000, as Application No. 09/662859  
and was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)		Priority Claimed <input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(County)	(Day/Month/Year Filed)
_____	_____	_____
(Number)	(County)	(Day/Month/Year Filed)
_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

(Application Number)	(Filing Date)
_____	_____
(Application Number)	(Filing Date)
_____	_____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §12, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

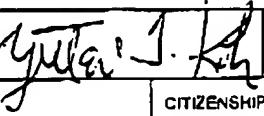
(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)
(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

L. Bruce Terry  
 Motorola, Inc.  
 5401 N. Beach Street, Mail Stop E230  
 Fort Worth, Texas 76133  
 Direct Telephone Calls to: (817) 245-2911

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

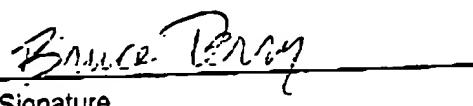
FULL NAME OF FIRST INVENTOR <b>Samuel M. Levenson</b>	INVENTOR'S SIGNATURE <i>Samuel M. Levenson</i>	DATE <b>9/19/2000</b>
RESIDENCE: <b>630 N. Drury Lane, Arlington Heights, Illinois 60004, USA</b>	CITIZENSHIP: <b>USA</b>	
POST OFFICE ADDRESS <b>same as above</b>		

FULL NAME OF FIRST INVENTOR <b>Yutal T. Koh</b>	INVENTOR'S SIGNATURE: 	DATE: <b>8/18/2000</b>
RESIDENCE: <b>614 Aberdeen Way, Southlake, Texas 76092, USA</b>	CITIZENSHIP: <b>USA</b>	
POST OFFICE ADDRESS <b>same as above</b>		

FULL NAME OF FIRST INVENTOR <b>Mark S. Hansen</b>	INVENTOR'S SIGNATURE: <i>Mark S. Hansen</i>	DATE: 9/18/00
RESIDENCE: <b>6708 Meade Drive, Colleyville, TX 76034, USA</b>	CITIZENSHIP: <b>USA</b>	
POST OFFICE ADDRESS <b>same as above</b>		

RECORDATION FORM COVER SHEET  
**PATENTS ONLY**U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark OfficeAtty. Docket #: **CE04708N**

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):  (1) Samuel M. Levenson (2) Yutai T. Koh (3) Mark S. Hansen		2. Name and address of receiving party(ies):  Name: Motorola, Inc.  Internal Address:  Street Address: 1303 East Algonquin Road  City: Schaumburg State: IL ZIP: 60196	
Additional name(s) of conveying party (ies)?  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Additional name(s) & address (es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____		Execution Date: 1) September 11, 2000; 2) August 18, 2000; 3) September 18, 2000	
4. Application number(s) or patent number(s):  If this document is being filed together with a new application, the execution date of the application is: _____			
A. Patent Application No.(s):09/662,859  C. Attorney Docket Number: CE04708N		B. Patent No.(s):  Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address of party to whom correspondence concerning document should be mailed:  Name: Motorola, Inc.  Internal Address: IP Law Dept. - MS E230  Street Address: 5401 N. Beach Street  City: Fort Worth State: TX ZIP: 76137		6. Total number of applications and patents involved: 1  7. Total fee (37 CFR 3.41) ..... \$ 40.00  <input type="checkbox"/> Enclosed  <input checked="" type="checkbox"/> Authorized to be charged to deposit account  8. Deposit account number: 50-0280	
DO NOT USE THIS SPACE			
9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.			
L. Bruce Terry Name of Person Signing	38,336 Reg. No.	 Signature	<u>1/23/01</u> Date
Total number of pages including cover sheet, attachments, and document: 5			

## **ASSIGNMENT AND AGREEMENT**

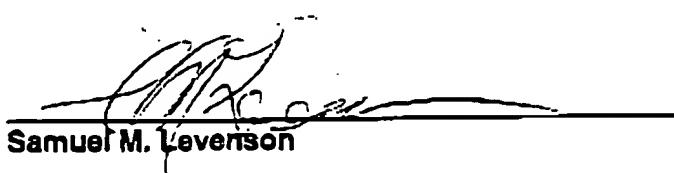
For good and valuable consideration, the receipt of which is hereby acknowledged, we, **Samuel M. Levenson, of 5417 Mt. McKinley, Fort Worth, Texas 76137, USA; Yutal T. Koh of 614 Aberdeen Way, Southlake, Texas 76092, USA, and Mark S. Hansen of 6708 Meade Drive, Colleyville, Texas 76034, USA**, has sold, assigned and transferred, and does hereby sell, assign and transfer unto **MOTOROLA, INC.**, a corporation of the State of Delaware, having its principal office in **Schaumburg, State of Illinois, United States of America**, and its successors, assigns, and legal representatives, the entire right, title and interest for the United States of America in and to certain inventions relating to improvements in **Time-out Threshold Shaping for Wireless TCP Communications**, (Serial Number 09/662859; Filing Date September 15, 2000, Attorney Docket No. **CE04708N**), described, illustrated and claimed in an application for Letters Patent of the United States of America executed by us of even date herewith, together with the entire right, title and interest in and to said application, and in and to Letters Patent which may be issued upon said application, and upon any division, extension, continuation, or reissue thereof.

We hereby also sell, assign and transfer unto the said **MOTOROLA, INC.**, the entire right, title and interest in and to said invention and in and to applications for Letters Patent therefor in all countries foreign to the United States of America, including all rights under any and all international conventions and treaties in respect of said inventions and said applications for Letters Patent in foreign countries, and We further authorize the said **MOTOROLA, INC.** to apply for Letters Patent in foreign countries directly in its own name, and to claim the priority of the filing date of the said application for Letters Patent of the United States of America under the provisions of any and all international conventions and treaties.

We hereby authorize and request the Commissioner of Patents and Trademarks of the United States of America to issue Letters Patent upon the aforesaid application, division, extension, continuation or reissue, to the said **MOTOROLA, INC.**, for the sole use and behalf of said **MOTOROLA, INC.**, its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted, the same as they would have been held and enjoyed by us had this assignment not been made, and We hereby authorize and request the equivalent authorities in foreign countries to issue the patents of their respective countries to the said **MOTOROLA, INC.**.

We agree that, when requested, We will, without charge to said MOTOROLA, INC., but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in said MOTOROLA, INC., its successors, assigns and legal representatives or nominees.

We covenant with said MOTOROLA, INC., its successors, assigns and legal representatives, that the interest and property hereby conveyed is free from all prior assignment, grant, mortgage, license or other encumbrance.



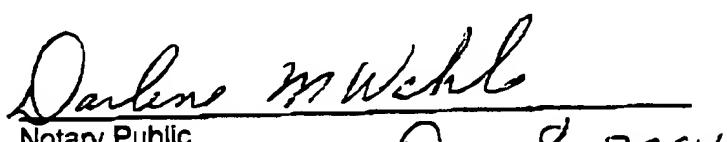
Samuel M. Levenson

STATE OF ILLINOIS )  
COUNTY OF COOK )

DARLENE WAHLE

I, ~~Teresa Bone~~, a Notary Public in and for the County and State aforesaid, do hereby certify that **Samuel M. Levenson**, is personally known to me. I do hereby certify that he appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 11 day of SEPT, 2000.



Darlene M. Wahle  
Notary Public  
My commission expires on Dec 8, 2001

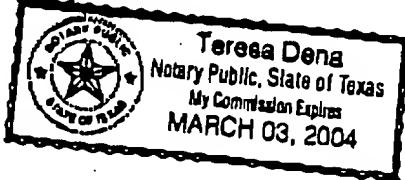
Yutal T. Koh

Yutal T. Koh

STATE OF TEXAS  
COUNTY OF TARRANT

I, Teresa Dena, a Notary Public in and for the County and State aforesaid, do hereby certify that Yutal T. Koh, is personally known to me. I do hereby certify that he appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 18<sup>th</sup> day of August, 2000.



Teresa Dena  
Notary Public  
My commission expires on 3-3-04

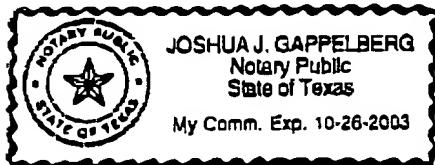
Mark S. Hansen

Mark S. Hansen

STATE OF TEXAS  
COUNTY OF )

I, Joshua J. Gappelberg, a Notary Public in and for the County and State aforesaid, do hereby certify that Mark S. Hansen, is personally known to me. I do hereby certify that he appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 18 day of September, 2000.



JOSHUA J. GAPPELBERG  
Notary Public  
State of Texas  
My Comm. Exp. 10-26-2003

Joshua J. Gappelberg  
Notary Public  
My commission expires on 10-26-03